

## **DETAILED ACTION**

### **Re-mailed Office Action**

This action is being mailed to the address of the Power of Attorney filed 18 December 2009. The original was mailed 16 November 2009 to the prior Attorney's address of record. The time period for reply is hereby re-set.

### ***Election/Restrictions***

In the restriction requirement of 15 June 2009, claims 16 and 27, drawn to gas separation processes, should have properly been grouped with Group III.

Applicant's election of Group I and the species of A) polyethylene propylene diene terpolymer for the "amorphous (or low crystalline) thermoplastic resin," B) polyamide (nylons), for the "semi-crystalline polymer, and C) poly(styrene-co-maleic anhydride), for the compatibilizer, in the reply filed on 27 July 2009 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

The elected claims are 1-5, 14, 15, 17, 18, 21, 22, 25, 26/1, 28 and 30/1.

### ***Specification***

The disclosure is objected to because of the following informalities:

A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 26, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 14, 17, 18, 21, 26/1, 28 and 30/1 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe et al (US 6,397,912).

The reference to Watanabe et al teaches the production of a film layer of a polymer blend that may comprise a polyamide, an ethylene propylene diene rubber and a compatibilizer that may comprise a styrene-maleic anhydride

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copolymer, as recited. Note column 13 (lines 9-37 and 38-63) for the polyamides and EPDM, and column 14 (lines 19-40) for the compatibilizer, that may comprise the specific copolymer. The quantities employed are taught for the constituents overlap at column 14 (lines 3-10). At the paragraph bridging, the reference teaches the employment of fillers, including clay at column 37 (lines 3-9). The patentees employ identical constituents in amounts that embrace those claimed herein. As such, identical morphologies would be expected, as well.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 14, 15, 17, 18, 21, 22, 25, 26/1, 28 and 30/1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al (US 6,397,912), cited and for the reasons set out above.

The reference does not teach the production of an oriented film, per se, nor a thickness of a nanometer.

The film may be produced oriented, as herein recited in claims 15 and 22, based upon the suggestion of the patentees' disclosure at column 4 (lines 5-16). A skilled artisan would know to what suitable thicknesses the composition could be employed.

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As such, the production of an oriented film and, of a film of particular thickness, would have been an obvious modification to an artisan having an ordinary skill in the art. Nothing unexpected or surprising has been shown on the record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan M. Nutter whose telephone number is 571-272-1076. The examiner can normally be reached on 9:30 a.m.-6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Nathan M. Nutter/  
Primary Examiner, Art Unit 1796

nmn

4 January 2010